

In The Matter Of:
Severn Peanut Co., Inc et als v.
Industrial Fumigant Co. and Rollins, Inc.

Carol L. Jones, Ph.D.
October 10, 2013

Bridges Court Reporting
P.O. Box 2156 Rutherfordton, NC 28139
P.O. Box 6545 Spartanburg, SC 29306
828-429-7839
Laura@LBridgesCourtReporting.com



Original File JonesC.txt
Min-U-Script® with Word Index

1 we're marking as 322 and just identify that if you can.

2 A. That's our fumigation manual that we do pesticide
3 application training from.

4 Q. And do you believe it contains reliable information
5 regarding fumigation?

6 A. Yes, sir.

7 Q. And do you believe that the warnings contained in that
8 fumigation manual are based on valid scientific
9 principles?

10 A. They're based on what is on the label, yes.

11 Q. Do you think the warnings contained in the book are
12 based on valid research?

13 A. Yes.

14 Q. Do you think the book contains misinformation?

15 A. Not that I know of.

16 Q. I want you to look at page 31.

17 A. Okay.

18 Q. All right. And let me just -- I'm sorry. I'll give it
19 right back to you. The statement says, "Tablets or
20 pellets should be placed in shallow layers, never
21 stacked on top of each other. Stacking causes the ash
22 on the outside of the mass to seal off the interior
23 pellets/tablets, slowing or stopping their
24 decomposition and gas release. This creates a hazard
25 to personnel and risk of explosion or fire," do you see

1 of the peanut pile, if it was smooth would be at least
2 66,000 square feet, correct?

3 A. Yes, sir.

4 Q. Okay. And when you say "smooth," you don't mean smooth
5 like a table. You mean basically flat if you -- or if
6 you took -- the area of the pile, the surface area
7 would be 66,000 square feet.

8 A. The surface area of the pile, 66,000 square feet if it
9 had no indentations or any anomalies in the surface.

10 Q. I see. Depressions, ridges, valleys --

11 A. Exactly.

12 Q. -- that's what we're talking about?

13 A. Yes, sir.

14 Q. Okay. And it's your understanding, the peanuts would
15 have ridges or valleys or depressions?

16 A. As do all commodities.

17 Q. Okay. Would you agree that the -- really the relevant
18 area that we're talking about here as to where the tabs
19 would fall would be the distance that they can be
20 flung?

21 A. No.

22 Q. Would you agree that the fumigators would not be able
23 to reach all 66,000 square feet?

24 A. Yes.

25 Q. So would you agree that the relevant area that we're

- 1 peanuts?
- 2 A. I don't agree with that. I think they can bounce and
- 3 roll in different directions.
- 4 Q. Now, the dimensions of the flask -- you've used these
- 5 Fumitoxin flasks?
- 6 A. Yes.
- 7 Q. They have a narrower neck, correct?
- 8 A. Yes, sir.
- 9 Q. Do the tablets sometimes bridge inside that neck?
- 10 A. At first when the -- when the flask is full, they come
- 11 out slower and you have to shake them to get them
- 12 started, kind of like the ketchup bottle, and then they
- 13 come out faster.
- 14 Q. And when you shake it to break that blockage, do you
- 15 agree that they're going to fall straight down at that
- 16 point?
- 17 A. Not necessarily. I don't know that.
- 18 Q. You don't know one way or another whether they do or
- 19 not?
- 20 A. I don't know one way or the other.
- 21 Q. Okay. And if Mr. Mueller said in his deposition based
- 22 on his experience that's what's happened, you have no
- 23 reason to say that's incorrect?
- 24 A. I'd say that's what his experience is.
- 25 Q. Okay. Now, if there's a depression in the peanuts like